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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOSEPH JOHN CURRY,

9 Petitioner,

10 v.

11 ELDON VAIL,

12 Respondent.

CASE NO. C09-5144BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the
15 Honorable Judge J. Richard Creatura, United States Magistrate Judge (Dkt. 25). The Court
16 having considered the Report and Recommendation and the remaining record, and no
17 objections by Petitioner having been filed, does hereby find and order:

18 (1) The Court adopts the Report and Recommendation; and
19 (2) This action is **DISMISSED** with prejudice because Petitioner failed to show
20 that the state court erred.

21 DATED this 19th day of March, 2010.



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23 _____
24 BENJAMIN H. SETTLE
25 United States District Judge
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28 ORDER